

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
National Association of Broadcasters,)	MB Docket No. 19-363
et al., Petition for Reconsideration of)	
Political File Orders)	

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 1.46 of the Commission’s rules,¹ the Campaign Legal Center (CLC), Sunlight Foundation, Common Cause, the Benton Institute for Broadband and Society,² and Issue One (collectively, “Requestors”), respectfully move for a brief extension of the deadline for filing reply comments concerning the National Association of Broadcasters, et al.’s petition for reconsideration (“NAB Petition”). NAB has sought reconsideration of two FCC orders resolving complaints filed by Requestors against multiple television stations for failing to comply with the reporting requirements for political advertisements set forth in Section 315 of the Communications Act of 1934.³

¹ 47 CFR §1.46.

² The Benton Foundation, a party to the complaint filed against Scripps Media Inc., licensee of WCOP-TV, has changed its name to the Institute for Broadband & Society. It is a non-profit organization dedicated to ensuring that all people in the U.S. have access to competitive, high-performance broadband regardless of where they live or who they are. It believes communication policy - rooted in the values of access, equity, and diversity - has the power to deliver new opportunities and strengthen communities. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.

³ *Complaints Involving the Political Files of WCNC-TV, et al.*, FCC 19-100 (rel. Oct. 16, 2019) and *Complaint Involving the Political Files of Scripps Broadcasting Holdings, LLC*, FCC 19-101 (rel. Oct. 16, 2019).

The Media Bureau decided to seek public comment on the NAB Petition and released a public notice to that effect on November 29, 2019. The public notice also designated the proceeding as permit-but-disclose and assigned it MB Docket No. 19-363. The public notice establishes a very short comment period, with comments due in 30 days (December 30, 2019) and reply comments due in 45 days (January 13, 2020).⁴ Requestors move to extend the deadline for reply comments in this proceeding by 15 days to January 28, 2020 for several reasons.

First, the public notice has transformed an adjudication with a limited record into a proceeding that appears to raise several new substantive and procedural issues not at issue in the adjudication. The short reply period established in the public notice does not provide sufficient time for Requestors to address any new issues that might be raised by NAB or other commenters. Moreover, the due dates for both the initial and reply comments fall in the midst of a major holiday season, when most people have family, travel and other commitments.

Second, Requestors' counsel, the Institute for Public Representation (IPR) at Georgetown Law, which represented Requestors in filing the complaints at issue, faces serious resource constraints at this particular time. IPR's has a new director, and its former director Angela J. Campbell, who has worked on these issues, no longer works in the clinic full-time. In addition, as is the nature of law school clinics, IPR typically relies on the assistance of law students to represent clients.

⁴ *Media Bureau Seeks Comment on National Association of Broadcasters, et al. Petition for Reconsideration of Political File Orders*, DA 19-1224 (rel. Nov. 29, 2019), <https://ecfsapi.fcc.gov/file/11291231224087/DA-19-1224A1.pdf>.

With the fall semester coming to a close on December 13 and a new group of students starting on January 13, students will not be available to assist on this matter

Third, Benton's counsel, Andrew Jay Schwartzman, has prior commitments that will prevent him from working on the reply comments absent the additional time sought here. Mr. Schwartzman will be teaching a course in Los Angeles during the first and second week of January and will be unavailable to work on reply comments until January 9 at the earliest.

Finally, Requestors are a coalition of multiple organizations with different organizational missions that agree on the importance of timely and accurate reporting of political ads. Because the public notice raises several additional substantive and procedural issues that were not raised by the adjudications, Requestors will require additional time to consult and coordinate among themselves and with the lawyers. Such coordination is especially difficult to do over the Christmas and New Year's holidays.

Given that most of the complaints decided in the FCC's October 2019 Orders were filed in May 2014, a short extension will not harm the parties or the public. While Requestors favor a prompt resolution of the issues, it is also important that any Commission decisions be based on a complete record.

Thus, Requestors respectfully ask that the reply comment deadline be extended by 15 days to January 28, 2020.

Respectfully submitted

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cc: Jerianne Timmerman, NAB

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Issue One